

KPDC's Recent Past and Hopeful Future

By Glenn S. McClister, Education Branch

In light of the fact that the new Kentucky Public Defender College (KPDC) graduated its first 49 new attorneys in February and March of this year, this might be a good time to look back at what we have accomplished with KPDC so far, and to look forward to what we still hope to achieve.

In 2006, the DPA received dozens of new trial attorney positions to aid with our caseload crisis. With this increase in the number of new public defenders to train, DPA's Education Branch renovated our training with the creation of the new trial public defender track of the Kentucky Public Defender College.

What We've Accomplished So Far

Initially, Jeff Sherr and I conceived of the College in order to accomplish three goals. We wanted to 1) get class sizes back down to 12-15 attorneys per class, 2) condense training, where possible, so that we could shorten the time new attorneys spent away from the office, and 3) re-prioritize the subject matter we trained on. To achieve this, we designed three, week-long training sessions, two of which we would repeat again and again till all the new attorneys had attended all the sessions. Reducing class sizes made it possible to return to a more interactive style of learning and also made it easier for participants to get to know each other. Condensing the training meant fitting separate training sessions on subjects such as evidence, mental health and preservation into the new structure. Re-prioritizing the subject matter included designing an entirely new district court training, offering a new session on trial law, and trying to spend more time on basics such as sentencing law and advocacy.

We continue to modify the program as we go but as it stands, in order to graduate, each new attorney has to attend and participate in over 85 hours of lectures and training over the three-week period. The training includes the following:

Week One: District Court: The first half of week one consists of two days of interactive training in which new attorneys work their way through 32 of the most common scenarios and legal issues involved in district court practice. Each new attorney researches and analyzes the legal issues in his or her case, interviews the "client," negotiates either a bond reduction or a plea offer with a "prosecutor," and then argues before a "judge" as we call the district court docket. With the aid of a new 40-page District Court Law Review, the new attorneys cite relevant statutes, criminal rules and case law as they argue for bond reductions or present their client's legal arguments to the court.

Week One: Juvenile Court: In the second half of week one new attorneys learn Juvenile Court practice by working together on a single case problem which takes them through all the most important aspects of fully litigating a case in juvenile court. They learn all the relevant statutes and case law as they pursue the case through juvenile court, up to circuit court, and back down to juvenile court. The training ends with teams of new attorneys explaining the law and then arguing at the client's detention hearing, transfer hearing, a suppression hearing, an equal protection motion, and finally the disposition hearing.

Week Two: Faubush: Week Two of KPDC is Faubush which, according to our most recent surveys, continues to be the single most memorable and rewarding training we offer. Led by a nationally-known faculty of veteran trainers and coaches from all over the United States, Faubush is our week-long trial skills institute. Using case problems or their own actual cases, students start with developing themes and theories and then progress through actual voir dire practice and then into opening arguments, direct examinations, cross-examinations, and closing arguments. In each exercise they are coached by experts at the art of storytelling at trial.

Week Three: Circuit Court: The final third week of training is an intense, consolidated training including sessions on developing client relationships, discovery, evidence, trial law, sentencing, search and seizure, *Daubert*, mental health, preserving the record, and handling sex offense cases.

In all our training, we try to insist on a positive, "total success" approach. Although we do put students "on the spot" by asking them to actually stand and make arguments (the best way to learn the law), we insist that they are

not being *tested* in any way. Instead, the point of all our interactive training is to give each new attorney the tools and the coaching to get up during training and *get it right*.

What We Still Hope to Achieve

Some of our continuing goals for KPDC include the following:

Developing More Training Tracks. We intend eventually to expand the function of the College to embrace the training needs of all our employees. In the upcoming year, we will be working on developing separate new training tracks for investigators and post-trial attorneys as well as a track on leadership development for those wishing to assume greater responsibilities in the agency.

Recruiting and Training More Coaches. Since the class sizes are now smaller, we may have to repeat district, juvenile, and circuit court training up to four times a year. This means we need four times as many coaches and trainers. KPDC needs lots and lots of “adjunct professors”!

I try never to forget that all our fine coaches and presenters are volunteers who take on responsibilities which are not part of their job descriptions. They sacrifice their time and effort simply to give something of their knowledge and experience to others. The fact is, however, that DPA simply cannot continue to assure the highest standards of quality education for its attorneys without the help and sacrifice of these volunteers. We have always needed, and will continue to need, attorneys who will express an interest in coaching and training other attorneys.

We have added a train the trainer workshop for the development of the next generation of public defender trainers and coaches.

Standardizing the Training Materials. We have the materials our original presenters have put together and are in the process of recording all their presentations. Nevertheless, we need two or three different attorneys who can present on every topic we cover. Once we finish recording and standardizing all of our training, a new presenter on any topic can simply watch the presentation of the original author, and then take the materials and be able to fill-in when necessary. Unlike the past, new volunteer trainers will not be expected to spend the time and effort of doing their own research, writing an outline, and providing all the other materials. The materials will already be here, ready to be taught.

Updating Training Materials. For those perhaps not comfortable with coaching or who want to contribute but do not have the time to spend days at a time training attorneys in Frankfort or elsewhere, we need attorneys who are willing to volunteer to ensure that our training materials stay up-to-date.

Providing More Distance Learning on “Sub-Specialties.” We have designed new attorney training to address the kinds of topics which fall into two categories: 1) subjects every attorney simply has to know, and 2) subjects every attorney will need to know sooner or later. That leaves a whole range of subjects which attorneys may only need to become an expert in for one or two cases. We want to provide Distance Learning modules on such topics. So, if you have a special knowledge of DNA, ballistics, eyewitness identification, arson investigation, working with social workers, etc., we would like to hear from you as well. This may some day develop into an “advanced degree program.”

Continue to Seek Feedback and Improve. Your feedback will continue to be our most valuable source of information about how we can continue to improve our training of new DPA staff. Please do not hesitate to make criticisms or suggestions for improvement.

Lastly, on behalf of the whole Department I would like to thank all of the current faculty which has already worked so hard to provide the foundation of our current curriculum. All our future efforts will build on your work.